

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

MEMORANDUM AND ORDER

13-CV-04299 (FB) (VMS)

1400 FOREST AVE RESTAURANT
CORP. d/b/a TANTRA LOUNGE and
BALAKUMAR MUTHUCHCHAMY

Defendants.

Appearances:

For the Plaintiff:

PAUL J. HOOTEN, ESQ.

JACQUELINE M. MURATORE, ESQ.

5505 Nesconset Highway, Suite 203

Mt. Sinai, NY 11766

BLOCK, Senior District Judge:

On August 12, 2014, Magistrate Judge Scanlon issued a Report and Recommendation (“R&R”) recommending that default judgment be entered against defendants in the total amount of \$7,120.00, consisting of \$2,200.00 in statutory damages, \$4,400.00 in enhanced damages and \$520.00 in litigation costs. R&R at 24. The R&R stated that failure to object within fourteen days of service of the R&R would preclude appellate review. *See id.* Defendants were served a copy of the R&R by mail on August 12, 2014. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 10, 2014